

**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Mary Ellen Barbera  
Chief Judge

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** Senate Judicial Proceedings Committee  
**FROM:** Legislative Committee  
Sara Elalamy  
(410)260-1561  
**RE:** Senate Bill 328  
Anne Arundel County – Landlord and Tenant – Procedures for  
Repossession for Failure to Pay Rent  
**DATE:** January 21, 2021  
(1/28)  
**POSITION:** Oppose

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The Maryland Judiciary opposes Senate Bill 328. This bill would add to and amend several provisions of state law governing landlords and tenants in Anne Arundel County.

The proposed amendments to this bill impose a mandatory waiting period for evictions. It also, modifies the common law definition of abandoned property, extinguishes any right of set off by the tenant against the landlord's claim for the unpaid rent, and alters the rules of procedure governing the attachment of property to satisfy money judgments. These amendments conflict with the tenant's right to claim exemptions from execution under Maryland statutes, and do not include provisions for the protection of the tenant's property pending appeal of the failure to pay rent cases. The bill also alters the rules of procedure governing the attachment of property to satisfy money judgments, set forth in Maryland Rule of Procedure 3-645., which provides procedural and substantive rights to parties.

In addition, the language in section § 8-401(d)(4) is problematic, because it is not uncommon for the tenant to not receive a copy of the posted complaint and summons as they can be removed or destroyed by the effects of weather or other persons such as neighborhood children or vandalism.

Currently in Anne Arundel County, the existing processes comply with the language in section § 8-401 (d)(1) where warrants of restitution are signed by a judge either on the day of filing or soon thereafter, and the warrants are then sent to the sheriff to schedule and conduct the eviction as their schedules allow.

Lastly, this bill only applies to Anne Arundel County. The District Court is a statewide court system designed to provide the uniform application of law to all who come before it. This bill would cause the Landlord Tenant law to apply differently in one jurisdiction

out of twenty-four resulting in an inequitable application of the law across the State. The Judiciary believes there should be statewide consistency and equity in how landlord/tenant cases are processed across Maryland.

cc. Hon. Edward Reilly  
Judicial Council  
Legislative Committee  
Kelley O'Connor